

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION TEN

VOLKSWAGEN GROUP OF AMERICA, INC.,

Petitioner-Employer,

and

Case 10-RM-121704

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW),

Labor Organization.

**ADDITIONAL SUBMISSION IN SUPPORT OF UAW'S REQUEST
FOR SPECIAL PERMISSION TO APPEAL
ORDER GRANTING INTERVENORS' MOTIONS TO INTERVENE**

On March 12, 2014, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) (the "UAW") filed its request for special permission of the Board to appeal the Acting Regional Director's ("ARD") Order granting the Motions to Intervene of Michael Burton, et al. (the "Burton Motion") and Southern Momentum, Inc. et al. (the "SMI Motion") in the above-captioned matter.

That request for special permission to appeal is now under submission to the full Board.

1. Last evening, March 31, 2014, an investigative reporter for Nashville, Tennessee television channel 5 broadcast a story linking the administration of Tennessee Governor William Haslam and various members of his cabinet and staff with certain of the conduct that is the subject of the UAW's objections in this matter. See

<http://www.newschannel5.com/story/25122909/haslam-administration-linked-300m->

[offer-to-vw-uaw-process](#) . The information released with this news story further supports the allegations of third-party political interference in the RM election held in this matter on February 12-14, 2014.¹

2. In addition to the broadcast report itself, the Nashville Channel 5 investigative reporter released on the television channel's website various written emails and other documents from and to officials of the State of Tennessee and the office of United States Senator Robert Corker², including one which in particular bears on the subject matter of UAW's request for special permission to appeal: the propriety of granting employer-funded non-profit corporation Southern Momentum, Inc. intervenor status in this matter.³

3. Specifically, one of the released documents is a leaked email chain – dated February 11, 2014, the day before the RM election in this case – from Senator Corker's chief of staff Todd Womack to Bill Hagerty, the Commissioner of the State of Tennessee's Department of Economic and Community Development, and a member of Governor William Haslam's cabinet. Included as recipients in this email chain are

¹ If necessary, the UAW intends to subpoena all relevant witnesses and documents to support its objections, including witnesses and documents related to the investigative reporter's story and the leaked documents and sources on which the story is based.

² See <http://www.newschannel5.com/category/267935/vw-incentive-offer-related-emails> .

³ As the UAW previously noted in its filings in this matter, Southern Momentum, Inc., through a public statement by its Chattanooga management attorney Maury Nicely, has admitted that it raised all of its funds, in the "low six figures," from businesses and individuals, rather than from VWGOA bargaining unit employees. See Special Appeal Exhibit H, previously filed herewith: "Nicely said in an interview earlier this month that he led fundraising for Southern Momentum, which in late January and early February raised money 'in the low six figures' from Chattanooga area businesses and individuals."

Maurice Nicely, lawyer for Southern Momentum, Inc., as well as Will Alexander (Mr. Hagerty's chief of staff), Jim Gray (who runs a South Carolina-based anti-union consulting firm), Don Jackson (former VWGOA plant manager and anti-UAW spokesperson), Ron Harr (CEO of the Chattanooga area chamber of commerce), Peter List (anti-union consultant and Editor of LaborUnionReport.com) and Tim Spires (CEO of the Tennessee Association of Manufacturers). The email chain (attached as Exhibit 1 hereto) concerns various anti-union messaging related to the RM election. The email chain is further evidence that supports UAW's allegation of coordination by government officials and Southern Momentum regarding the pre-election conduct that is the subject of the UAW's objections. Doubtless there is more evidence of such coordination in addition to this particular leaked email chain, given the tone of familiarity among the email recipients.

4. The release of this email chain also closes a loop regarding the involvement of the National Right to Work Legal Defense Foundation in the coordinated campaign that is the subject of the UAW's objections. As indicated, the leaked email chain references Tim Spires, CEO of the Tennessee Association of Manufacturers, as one of the email recipients. As detailed in the Declaration of UAW member Sandra Haasis, attached hereto as Exhibit 2, Ms. Haasis overheard Glenn Taubman of the Right-to-Work Foundation discussing a plan for day-to-day messaging regarding the VW campaign on his cell phone at Atlanta airport on February 2, 2014, while both she and Mr. Taubman were waiting for a connecting flight to Chattanooga. And as Ms. Haasis' declaration states, Mr. Taubman specifically referred to his having

plans to have discussions with Tim Spires (as well as “Peter” and “Don”) concerning this subject. In other words, rather than serving merely as counsel, the Right-to-Work Foundation, through Mr. Taubman and perhaps others, was an active participant in the campaign that is the subject of the UAW’s objections.

5. Intervention should be denied herein. Putative Intervenor Southern Momentum, Inc. is not a grass-roots employee organization whose intervention in this RM case is appropriate. It is instead an employer-funded organization that has actively coordinated with officials of the State of Tennessee and with Senator Robert Corker and their staffs, as well as members of the business community, to threaten VWGOA workers with loss of Tennessee financial incentives should they exercise their right to support the UAW and choose it as their exclusive bargaining representative. Thus, even if intervention were otherwise proper under the Board’s practices and standards – which it is not for reasons that we have previously explained – Southern Momentum is not an appropriate candidate for intervention to represent “employee” interests here. The same is true for the other intervenors, who are represented by the National Right-to-Work Legal Defense Foundation, which upon information and belief is also employer-funded and also appears to have been an active participant in the coordinated “messaging” conduct that is the subject of the UAW’s objections.⁴

⁴ At a minimum, intervention and the hearing on the UAW’s objections should be held in abeyance until the Board conducts a full evidentiary hearing into the participation of Southern Momentum, Inc. and the National Right to Work Legal Defense Foundation in the coordinated conduct that is the subject of the UAW’s objections. Such a hearing, if it were to be held, should be accompanied by the right of the UAW to subpoena both entities and their agents.

CONCLUSION

The Board should grant the UAW's request for special permission to appeal, reverse the ARD's Order and deny the Motions to Intervene. We also suggest that the Board stay any hearing that may be required in this matter until the questions presented by this request for special permission to appeal is decided.

Respectfully submitted,

By: /s/ Michael Nicholson
Michael Nicholson
General Counsel
International Union, UAW
8000 East Jefferson Avenue
Detroit, MI 48214
(313) 926-5216

By: /s/ James D. Fagan, Jr.
James D. Fagan, Jr.
Stanford Fagan, LLC
191 Peachtree St., NE, Suite 4200
Atlanta, GA 30303
(404) 897-1000

Attorneys for International Union, United
Automobile, Aerospace and Agricultural
Implement Workers of America, UAW

Dated: April 1, 2014

Exhibit 1

Will Alexander

From: Womack, Todd (Corker) <womack@corker.senate.gov>
Sent: Tuesday, February 11, 2014 6:40 PM
To: Bill Hagerty
Cc: Will Alexander
Subject: RE: Video views so far today

Hope you enjoy. Weather may affect things, FYI

Sent with Good (www.good.com)

-----Original Message-----

From: Bill Hagerty [Bill.Hagerty@tn.gov]
Sent: Tuesday, February 11, 2014 07:37 PM Eastern Standard Time
To: Womack, Todd (Corker)
Cc: Will Alexander
Subject: Re: Video views so far today

Got it, Todd

Thanks

On Feb 11, 2014, at 6:04 PM, "Womack, Todd (Corker)" <womack@corker.senate.gov> wrote:

Bill and Will--

If you would, please don't forward this version, but this is the video I mentioned.

Thanks much. Todd

From: Peter A. List [mailto:peter@laborunionreport.com]
Sent: Monday, February 10, 2014 02:50 PM
To: jimgrayconsult@aol.com <jimgrayconsult@aol.com>; Don Jackson <dj3auto@gmail.com>; ron_harr@comcast.net <ron_harr@comcast.net>; Tim Spires CRMA <tspires@cma1902.com>; Maury Nicely <mnicely@ehhlaw.com>; Womack, Todd (Corker)
Subject: Video views so far today

1. <[image001.jpg](#)>

Why VW Team Members are Opposed to the UAW

2. <[image002.jpg](#)>

Volkswagen Team Member Testimonials

3. <image003.jpg>

Victim of UAW's Influence at Westmoreland

132%

Peter A. List
Editor & Chief Blogger
LaborUnionReport.com
[Twitter.com/laborunionrpt](https://twitter.com/laborunionrpt)

Founder & CEO
Kulture, LLC

"Truth isn't mean. It's truth." Andrew Breitbart (1969-2012)

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Exhibit 2

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INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW),

Labor Organization.

DECLARATION OF SANDRA HAASIS

Sandra Haasis, pursuant to 28 U.S.C. 1746, declares as follows:

1. My name is Sandra Haasis. I am a member of UAW Local 2488 and an employee of Mitsubishi Motors of North America in Normal, Illinois. I worked for International Union, UAW on its organizing drive at Volkswagen of America's Chattanooga, Tennessee plant in February 2014. I have been an International Representative of International Union, UAW since May 5, 2013.

2. On Sunday February 2, 2014, I was at Atlanta Hartsfield International Airport waiting for a flight from Atlanta to Chattanooga. I had arrived in Atlanta at 10:20 a.m. on a flight from Peoria, Illinois. I was scheduled to board my flight to Chattanooga at 12:10 p.m.

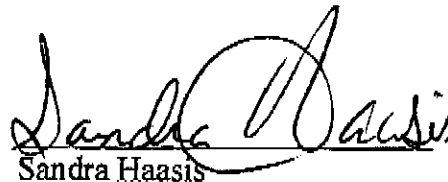
3. While I was waiting in the sitting area adjacent to the gate for the flight to Chattanooga, a man sitting next to me began talking on his cell phone. I

later identified this man from a picture of him on the internet as Glenn Taubman of the National Right-to-Work Legal Defense Foundation. What got my attention while I was sitting next to Mr. Taubman was that he was talking about how something would affect Mercedes, where the UAW has an ongoing organizing drive. Mr. Taubman said that if something happened the "ATR" would respond. Mr. Taubman then said that he would be in Chattanooga for a 3:00 p.m. meeting with the workers, but he was not sure how many would be at the meeting. He then mentioned a man named Tim Spires, as well as a "Don" and "Peter", whose last names he did not mention, concerning having a plan for a day-to-day messaging.

4. At that point, I began to board my plane and heard no more of Mr. Taubman's conversation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2014


Sandra Haasis

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2014, I submitted the foregoing Additional Submission in Support of UAW'S Request for Special Permission to Appeal Order Granting Intervenors' Motions to Intervene to the National Labor Relations Board by electronic filing and e-mailed a copy of same to:

Claude T. Harrell Jr.
Regional Director
National Labor Relations Board, Region 10
233 Peachtree Street NE, Harris Tower Suite 1000
Atlanta, GA 30303-1504
claudе.harrell@nlrb.gov

Steven M. Swirsky, Esq.
Epstein, Becker, & Green
250 Park Avenue
New York, NY 10177
sswirsky@ebglaw.com

Glenn M. Taubman, Esq.
William L. Messenger, Esq.
John N. Raudabaugh, Esq.
National Right to Work Legal Defense Foundation
8001 Braddock Road, Suite 600
Springfield, VA 22160
gmt@nrtw.org
wlm@nrtw.org
jnr@nrtw.org

Maury Nicely, Esq.
Phillip B. Byrum, Esq.
Evans Harrison Hackett PLLC
835 Georgia Avenue, Suite 800
Chattanooga, TN 37402
mnicely@ehhlaw.com
pbyrum@ehhlaw.com

By: /s/ Michael B. Schoenfeld
Stanford Fagan LLC